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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/010,937	11/13/2001	Pedro S. Baranda	OT-4986;60,469-054	5631

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EXAMINER	
CHARLES, MARCUS	

ART UNIT	PAPER NUMBER
3682	

DATE MAILED: 10/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/010,937	BARANDA ET AL.	
	Examiner	Art Unit	
	Marcus Charles	3682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 July 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-9,14-24 and 26-39* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9,14-24 and 26-39* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

This action is responsive to the amendment filed 07-21-2005, which has been entered.

Claims 1-9, 14-24 and 26-39 are currently pending.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 28, 32 and 36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. it is not clear as to how the cords are being move while applying the jacket. The specification does not clearly explain the method of moving the cords while applying the belt.

Allowable Subject Matter

3. The indicated allowability of claims 14, 21-23 and 26-27 are withdrawn in view of the newly discovered reference(s) to Harper (3,848,037). Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-4, 9, 15-16 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO (01-14630) in view Kilborn et al. (2,740,459). WO (01-14630) discloses an elevator belt (22) comprising a plurality of cords (28, 30) aligned parallel to the longitudinal axis; a jacket (26) made from urethane over the cords, the jacket includes a generally smooth surface. WO (01-14630) does not disclose the cords are tensioned individually while applying the jackets. Kilborn et al. discloses a belt comprising a plurality of cords, which are tension individually in order to keep the belt perfectly aligned thus decreasing the efficiency of the belt (col.1, lines 34-64). Therefore, it would have been obvious to one of ordinary skill in the art to modify the belt of WO (01-14630) so that each cord is tensioned individual with a selected tension in view of Kilborn et al. in order to keep the belt perfectly aligned thus decreasing the efficiency of the belt.

In claims 3 and 4, it is apparent that the tension on each cord would be adjusted to be consistent with the desired configuration.

In claim 9, it is apparent that a cooling operation would be carried out after the jacket has been applied.

In claims 28, 32 and 36 it is apparent that the cords will inadvertently move while applying the jacket to the cord. Note, applicant discloses that it is well know for the cord to move during application of the jacket.

In claims 29-30, 32, 35 and 37. WO (01-14630) and Kilborn et al. discloses the claimed invention.

In claims 34 and 38, it is apparent that the tension forces will be the same on both sides of the applicator because the tension forces wilt be the same as the reaction forces on the opposite side. Therefore, the tension will be the same.

Regarding claims 15-16, it is apparent that the method and process steps would be inherently included during the manufacturing of WO (01-14630) and Kilborn et al. device.

6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over WO (01-14630) in view of Kilborn et al as applied to claim 1 above, and further in view of Bhagawat et al. (5,425,830). WO (01-14630) does not disclose the cords having different tension. Kilborn et al. discloses that it is well known in the art for each cords to have different tension but does not provide any advantage for doing so. Bhagwat et al. discloses a method of making a belt so that each of the cords has different tension in order to compensate for friction during application. Therefore, it would have been obvious to one of ordinary skill in the art the time of the invention to further modify the device of WO (01-14630) so that the cords having different tension during the manufacturing of the belt the cords in view of Bhagawat et al. in order to compensate for friction during application.

7. Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO (01-14630) in view Kilborn et al. as applied to claim 1 above, and further in view of Harper (3,848,037). WO (01-14630) disclose that the jacket is made from urethane but do not disclose the urethane is a waxless urethane. The used of urethane is equivalent to polyurethane and one can be substitute for the other. Harper discloses a

polyurethane material free of wax in order to provide a clean and blemish free surface and to avoid blister, flakes or peel from the wax. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the jacket of WO (01-14630) so that it is made from waxless urethane in view of Harper in order to in order to provide a clean and blemish free surface and to avoid blister, flakes or peel from the wax.

8. In claim 19 and 24, WO (01-14630) discloses the use of polyurethane as a common coating (jacket) for the tensile cords.

9. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over WO (01-14630) in view Kilborn et al. as applied to claim 1 above, and further in view of Tsai (6,727,433). WO (01-14630) and Kilborn et al. do not disclose the molding device have an opening with a non-linear configuration. Tsai disclose a molding device (70) having an opening from which the molded belt of cable is extruded and the surface of the opening is not linear. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device of WO (01-14630) so that the has belt is molds from a mold having non-linear openings in view of Tsai reduce the material of the jacket without compromising the strength of the belt and to provide a belt with non-slipping surface features.

10. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over WO (01-14630) In view of Harper. WO (01-14630) discloses the claimed invention above but does not disclose the polyurethane is waxless polyurethane. Harper discloses a polyurethane material free of wax in order to provide a clean and blemish free surface and to avoid blister, flakes or peel from the wax. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the jacket of WO (01-14630) so that it is made from waxless polyurethane in view of Harper in order to in order to provide a clean and blemish free surface and to avoid blister, flakes or peel from the wax.

11. Claim 20, 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO (01-14630) In view of Harper. WO (01-14630) discloses the claimed invention above but does not disclose the polyurethane is waxless polyurethane. The used of urethane is equivalent to polyurethane and one can be substitute for the other. Harper discloses a polyurethane material free of wax in order to provide a clean and blemish free surface and to avoid blister, flakes or peel from the wax. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the jacket of WO (01-14630) so that it is made from waxless urethane in view of Harper in order to in order to provide a clean and blemish free surface and to avoid blister, flakes or peel from the wax.

12. Claims 35 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO (01-14630) In view of Harper as applied to claim 24 above, and further in view of Pitts et al. (2003/0069101). WO (01-14630) In view of Harper does not disclose the

application of the jacket is continuously and uninterrupted. Pitts et al. disclose the claimed invention in order to create a uniform surface. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the device of WO (01-14630) In view of Harper so that the process is carried continuously and uninterrupted in view of Pitts et al. in order to create a uniform surface.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Adifon et al. (6,397,974) discloses an elevator belt. DE (2057554) discloses waxless polyurethane. Den et al. (4,227,031) and JP (60-193211) disclose a belt with non-linear surfaces.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcus Charles whose telephone number is (571) 272-7101. The examiner can normally be reached on Monday-Thursday 7:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor can be reached on (571) 272-7095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marcus Charles
Primary Examiner
Art Unit 3682
September 30, 2005